

2026 Harassment & Discrimination Prevention

for **Agencies of the Illinois Governor**

In this training, you will learn...

- Information about unlawful discrimination, harassment, and sexual harassment.
- Where and how to report allegations of unlawful discrimination, harassment, and sexual harassment.
- Information about retaliation, or "whistleblower" protections.
- Penalties for engaging in discrimination.
- Penalties for engaging in harassment, retaliation, and making false reports.

The State has various avenues for reporting if you are experiencing or witnessing prohibited conduct.

Remember, even if conduct does not rise to the level of unlawful discrimination, harassment, or sexual harassment, that does **not** mean that it is appropriate for the workplace.

Discrimination and Harassment are Prohibited

Illinois Human Rights Act

Prohibits unlawful discrimination, harassment, and sexual harassment. [775 ILCS 5.](#)

Illinois Civil Rights Act

Prohibits unlawful discrimination. [740 ILCS 23.](#)

State Officials and Employees Ethics Act

Prohibits sexual harassment. [5 ILCS 430.](#)

Agency Personnel Policy

Often prohibits unlawful discrimination, harassment, and sexual harassment.

Discrimination and Harassment are Prohibited (Continued)

State employees, officials, and appointees are prohibited from engaging in unlawful discrimination, harassment, and sexual harassment. **It is your responsibility to become**

familiar with and abide by these laws and your agency's policies.

The Ethics Act

State employees, officials, and appointees are subject to the State Officials and Employees Ethics Act, or "Ethics Act" ([5 ILCS 430](#)).

The Ethics Act requires that:

- You be aware that you are prohibited from engaging in unlawful discrimination and harassment as defined by the Human Rights Act ([775 ILCS 5](#));
 - "All persons have a right to work in an environment free from sexual harassment." [5 ILCS 430/5- 65\(a\)](#);
 - "All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof." [5 ILCS 430/5-65\(a\)](#).
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The Ethics Act (Continued)

- Each agency must conduct a harassment and discrimination prevention training; and
 - A report be made to the Executive Ethics Commission ("EEC") including the names of individuals who failed to complete this required training.
 - The report of individuals who did not complete this training will be made publicly available on the EEC website.
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The Illinois Human Rights Act

The Human Rights Act makes it a civil rights violation to engage in unlawful discrimination, harassment, sexual harassment, and retaliation. This training will discuss each of these prohibited actions and methods for reporting such conduct. [775 ILCS 5](#).

The Illinois Civil Rights Act of 2003

Under the Civil Rights Act, no unit of state, county, or local government may:

- Exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity based on that person's race, color, national origin, or gender; or
- Use criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, national origin, or gender (commonly referred to as "disparate impact" or "adverse effect"). [740 ILCS 23/5\(a\)](#).

A policy, practice, or action that appears neutral but has a discriminatory effect on a protected group is prohibited. For example, requiring certain questions to be answered by all applicants may have a disparate impact and could be deemed discriminatory if applicants of a protected class are eliminated more frequently as a result of asking a specific question.

Unlawful Discrimination

Unlawful discrimination is defined by the Human Rights Act.

Unlawful discrimination is discrimination against a person because of the person's "actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service..." as well as on the basis of citizenship status, work authorization status, or family responsibilities. [775 ILCS 5/1-103\(Q\)](#) and [§ 2-102\(A\)](#).

Each of the categories listed above is a protected class defined by the Human Rights Act.

Unlawful discrimination occurs when an employer takes an employment action because of an applicant's or employee's actual or perceived membership in one of the protected classes listed above. However, an employer is not prevented from taking employment action(s) for another reason unrelated to an applicant's or employee's membership in a protected class.



Click the image for definitions of protected classes.

Civil Rights Violations

It is a civil rights violation for "any employer to refuse to hire, to segregate, to engage in harassment [], or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination, citizenship status, work authorization status, or family responsibilities." [775 ILCS 5/2-102\(A\)](#).

Employment agencies and labor organizations are also prohibited from certain conduct on the basis of unlawful discrimination, citizenship status, work authorization status, or family responsibilities. [775 ILCS 5/2-102\(B\) and \(C\)](#).

In addition, the Human Rights Act outlines several practices that are civil rights violations, including provisions related to language, immigration-related practices, religious discrimination, training and apprenticeship programs, reasonable accommodations, family responsibilities, and the use of artificial intelligence.

Use of Artificial Intelligence

An employer may not use artificial intelligence (AI) with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or the terms, privileges, or conditions of employment, that has the effect of subjecting employees to discrimination on the basis of protected classes or uses zip codes as a proxy for protected classes. Public Act 103-0804.

The Human Rights Act defines AI as a machine-based system that infers, from input, how to generate outputs that can influence physical or virtual environments. Generative AI means an automated system that, when prompted with human descriptions, can simulate human-produced content like essays or diagrams. ChatGPT and Copilot are examples of commonly used generative AI tools. [775 ILCS 5/2-101\(N\) and \(O\)](#).

Language

It is unlawful for employers to prohibit employees from speaking their native language in communications that are unrelated to their work duties. "Language" refers to a person's native tongue, such as Polish, Spanish, or Chinese, but does not include slang, jargon, profanity, or vulgarity. [775 ILCS 5/2-102\(A-5\)](#).

For example, employees cannot be prohibited from speaking their native language when discussing their vacation plans during their lunch break.

Religious Discrimination

It is unlawful "for any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement, or transfer, any terms or conditions that would require such person to violate or forgo a sincerely held practice of his or her religion including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion," unless the employer cannot reasonably accommodate the prospective employee or employee without undue hardship on the employer's business. [775 ILCS 5/2-102\(E-5\)](#).

An employer is permitted to enact a dress code or grooming policy in order to maintain workplace safety or food sanitation. [775 ILCS 5/2-102\(E-5\)](#).

Further, it is a civil rights violation for a public employer, consistent with operational needs, to refuse to permit a public employee, who takes time off work to practice religion, from

performing his or her work during the employee's non-scheduled hours in order to compensate for work time lost for such religious reasons. [775 ILCS 5/2-102\(E\)](#).

Training and Apprenticeship Programs

Discrimination based on age in training and apprenticeship programs is prohibited.

It is unlawful "for any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs." [775 ILCS 5/2-102\(F\)](#).

For purposes of this prohibition, "age" means between 18 and 39 years old.

Immigration-Related Practices

Certain immigration-related practices can be unlawful. [775 ILCS 5/2-102\(G\)](#).

It is unlawful for an employer to request more or different documents than are required under certain federal laws or to refuse to honor documents that on their face appear to be genuine.

It is unlawful for an employer to refuse to honor work authorization based upon the specific status or term of status that accompanies the authorization to work.

Reasonable Accommodations for Employees with Disabilities

Employers must make reasonable accommodations of known physical or mental limitations of otherwise qualified applicants or employees with disabilities, unless the employer can demonstrate undue hardship.

Accommodations may include alteration of the facility or work site, modification of work schedules or leave policy, acquisition of equipment, job restructuring, provision of readers or interpreters, and other similar actions. [56 Ill. Admin. Code. § 2500.40](#).

Reasonable Accommodations for Pregnancy

"Reasonable accommodation" means reasonable modifications or adjustments to the job application process or work environment or to the manner or circumstances under which the

position desired or held is customarily performed, that enable an applicant or employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth be considered for the functions of that position.

It is unlawful for an employer to deny employees reasonable accommodations related to pregnancy or childbirth.

It is unlawful for an employer not to make a reasonable accommodation for any medical or common condition of a job applicant or employee related to pregnancy or childbirth, unless the employer can demonstrate that it would impose an undue hardship on the ordinary operation of the business.

It is also unlawful for an employer to require a job applicant or employee to accept an accommodation when that individual did not request one.

Reasonable Accommodations for Pregnancy (Continued)

An employer may not require an employee to take leave if another reasonable accommodation can be provided.

An employer shall reinstate the employee to their original job or equivalent position upon the employee signifying their intent to return or when the need for the reasonable accommodation ends, unless the employer demonstrates that the accommodation would impose an undue hardship on the ordinary operation of the business.

Further, an employer may not deny employment opportunities or benefits or take adverse action because an individual needs a reasonable accommodation. [775 ILCS 5/2-102\(I\) and \(J\)](#).

Family Responsibilities

An employer, employment agency, or labor organization is not obligated to "make accommodations or modifications to reasonable workplace rules or policies for an employee based on family responsibilities, including accommodations or modifications related to leave, scheduling, productivity, attendance, absenteeism, timeliness, work performance, referrals from a labor union hiring hall, and benefits, as long as its rules or policies are applied in accordance with this Act.

"Further, nothing . . . prevents an employer from taking adverse action or otherwise enforcing reasonable workplace rules or policies related to leave, scheduling, productivity, attendance, absenteeism, timeliness, work performance, referrals from a labor union hiring hall, and

benefits against an employee with family responsibilities as long as its policies are applied in accordance with the [Human Rights Act]." [775 ILCS 5/2-104 \(E\)](#) .

Examples of Unlawful Discrimination

Conduct may amount to unlawful discrimination if, based on a person's actual or perceived membership in one or more protected classes, an employer takes action involving:

- Recruitment or hiring
- Promotion or renewal of employment
- Selection for training or apprenticeship
- Discharge or discipline
- Tenure or terms
- Privileges or conditions of employment

It is not "unlawful discrimination" when an employer takes any of the above-mentioned employment action(s) for another reason **unrelated to an applicant's or employee's membership in a protected class**.

Example 1: Question

Nargis is a State employee and she follows the teachings of Islam. Nargis uses her lunch break every day to pray. She blocks out the time on her calendar each month. Nargis's team is aware of this, and they do not schedule meetings during this time. A new supervisor joins the team. Citing a need for increased productivity, the new supervisor institutes a daily all-team call to be held at noon. Nargis informs her supervisor she will be late sometimes due to her prayer obligation, and her supervisor initially agrees. Over the next few weeks, however, Nargis receives multiple write-ups for tardiness, despite showing up to the meetings only a few minutes late every day and continuing to remind her supervisor about her prayers. She asks her fellow team members, who are all Christian, about the situation, and learns that they have personal conflicts with this time because it is during their usual lunch break and have skipped or been late to several all-team meetings but have not been written-up by their supervisor. Nargis is terminated a month later, citing insubordination due to her failure to promptly attend all-team meetings.

Based on the information provided, was Nargis unlawfully discriminated against when she was fired?

- Yes
 - Correct, this is an example of unlawful discrimination based on religion. Unlawful discrimination occurs when an employer takes certain employment actions because of an applicant's or employee's actual or perceived membership in a protected class.

Religion is a protected class. Because Nargis's supervisor allowed other employees of a different religion to skip or be late to meetings with no repercussions, it appears she was singled out due to her religion and/or religious practices. Based on the facts, it does not appear that there is another reason that Nargis's supervisor disciplined and terminated her, other than her religious observance.

- No
 - Incorrect, please try again. Here, Nargis's supervisor has allowed other employees of a different religion to skip or be late to meetings without repercussions. Based on these facts, it seems that the only reason for the difference in treatment between Nargis, a follower of Islam, and her colleagues, who are Christian, is Nargis's religion.
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Example 2: Question

Norma is a 55-year-old woman who has worked at a State agency for 30 years on transportation issues. Nayeli is a 35-year-old woman who has worked at the same State agency for the last 10 years on healthcare issues. The agency decides they want to collaborate with a local hospital on a project related to improving health outcomes for Illinois residents, and they need to promote someone to project lead. They conduct a fair evaluation of all agency employees based on relevant experience and skills and decide that Nayeli will be the project lead. The agency's evaluation determined that Nayeli had the most experience in healthcare, the main qualification they were interested in. Norma is very upset by this decision, and alleges she was discriminated against in the selection process based on her age.

Is this an example of unlawful discrimination?

- Yes
 - Incorrect, please try again. Here, discrimination has not occurred because Norma's age is not the reason she was not promoted to project lead.
 - No
 - Correct, this is likely not an example of unlawful discrimination. It is not unlawful discrimination when an employer takes an employment action, such as a promotion, for reasons unrelated to an applicant's or employee's membership in a protected class. The agency conducted a fair evaluation of all agency employees based on relevant experience and chose the person with the most experience in healthcare to work on a project involving a hospital. Because Nayeli was promoted based on her qualifications and not because of her age, this is not an example of unlawful discrimination based on Norma's age.
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Harassment

Harassment in the workplace is prohibited.

Harassment means "any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, citizenship status, work authorization status, or family responsibilities that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment." [775 ILCS 5/2-101 \(E-1\)](#).

For purposes of this definition, the phrase "working environment" is **not limited to a physical location** an employee is assigned to perform their duties. [775 ILCS/2-101\(E-1\)](#).

Harassment (Continued)

A victim of harassment may be someone that was not the direct target of the harassment, if the conduct impacted the employee directly and created a hostile work environment. Victims can also be nonemployees, such as vendors or contractors.

In order to constitute hostile work environment harassment, courts have held that the conduct must be sufficiently severe or pervasive. To determine severity or pervasiveness, all circumstances should be considered, which may include the frequency of the discriminatory conduct; its severity; whether it was physically threatening or humiliating or a mere offensive utterance, offhand comment, or isolated incident; and whether it unreasonably interferes with an employee's work performance. To constitute harassment, the conduct must be objectively and subjectively offensive.

- Conduct is **objectively offensive** when a reasonable person would find it offensive.
 - Conduct is **subjectively offensive** when the victim perceives it as offensive.
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Examples of Harassment

Examples of verbal or physical conduct that could amount to harassment if based on a person's actual or perceived membership in one or more protected classes include:

- Offensive jokes, slurs, epithets;
- Physical assault, threats, name-calling;
- Intimidation, ridicule, or mockery;
- Deliberate touching, leaning over, cornering;
- Offensive looks and gestures;

- Insults or put-downs;
 - Offensive objects or pictures;
 - Letters, telephone calls, personal emails, texts, or;
 - Other materials of an offensive nature.
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Example 3: Question

Himari, a woman whose national origin is Japanese, recently started working at a State agency. During her first week on the job, her coworkers start asking her questions about her "slanting eyes" and performing karate chops in the air. The coworker in the cubicle next to her mispronounces her name every day and then laughs. Himari has been working at this agency for a month now and the conduct of her coworkers has only gotten worse. She feels very uncomfortable at work and dreads interacting with her coworkers.

Is Himari being harassed?

- Yes
 - Correct, Himari is being harassed. The Illinois Human Rights Act defines harassment as any unwelcome conduct on the basis of an individual's actual or perceived protected class, including national origin and race, that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. In this case Himari's coworkers' actions were objectively offensive regarding characteristics of Himari's race and national origin, such as comments about her eyes, name, and culture. These every-day comments were also subjectively offensive and make Himari uncomfortable.
 - No
 - Himari's coworker's unwelcome conduct is focused on characteristics of her national origin and race and occur on frequent basis. These facts suggest that Himari is being harassed.
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Example 4: Question

Myla is 4 months pregnant and has had several complications relating to her pregnancy. As a result, she had to start taking approved leave for necessary medical appointments. When she was leaving the office for an appointment, her coworker stopped her and said, "Maybe you should've thought twice before getting pregnant if you couldn't commit to the job." Over the next few weeks, she notices that several of her colleagues have started tracking her absences on a whiteboard in the office kitchen that all her coworkers use. For weeks her coworkers continue to update the public whiteboard and some have drawn offensive pictures of Myla

pregnant on the board. Myla is very upset by this and tries to limit interactions with her coworkers as much as possible.

Is Myla being harassed?

- Yes
 - Correct, Myla is being harassed. Pregnancy is a protected class, and it is unlawful to discriminate against or harass an individual based on a person's actual or perceived membership in this class. The coworkers' frequent public documentation of Myla's personal medical appointments relating to her pregnancy and drawings of her body continued for weeks and caused Myla to withdraw from work activities. Myla experienced unwelcome and frequent hostile conduct based on her pregnancy, which is prohibited by the Illinois Human Rights Act.
 - No
 - Incorrect, please try again. Here, Myla's coworkers' conduct is unwelcome, pervasive, based on her pregnancy, and created a hostile working environment.
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Sexual Harassment

Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

For purposes of this definition, the phrase "working environment" is **not limited to a physical location an employee is assigned to perform their duties and does not require an employment relationship.** [5 ILCS 430/5-65\(b\)](#); [775 ILCS 5/2-101\(E\)](#).

Types of Sexual Harassment

Quid pro quo. "Something for something." This type of sexual harassment occurs when a manager or supervisor uses as a basis for employment decisions affecting a subordinate, whether that subordinate submitted or rejected unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature.

Examples of employment decisions may include hiring, promotions, or discipline, among other things. This type of harassment also occurs when unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature are made a term or condition of employment.

Hostile work environment. Hostile work environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. To constitute hostile work environment sexual harassment, the conduct must be severe or pervasive.

Severe or Pervasive Conduct

Like other types of harassment discussed above, to amount to hostile work environment sexual harassment, the conduct must be sufficiently **severe or pervasive**.

To determine the severity or pervasiveness, all circumstances should be considered, which may include:

- Frequency of the discriminatory conduct;
- its severity;
- whether it was physically threatening or humiliating or a mere offensive utterance, offhand comment, or isolated incident;
- and whether it unreasonably interferes with an employee's work performance.

To constitute harassment, **the conduct must be objectively and subjectively offensive**.

Examples of Sexual Harassment

Sexual harassment is not limited to overt sexual advances and requests to engage in sexual acts. Many types of behavior and other acts can be part of quid pro quo sexual harassment or contribute to a hostile work environment. This may include unwelcome physical acts, verbal conduct, or visuals like:

- actual or attempted rape or sexual assault;
- pressure for sexual favors or dates;
- deliberate touching, leaning over, or cornering;
- sexual looks or gestures;
- referring to someone as "sexy," "baby," "hot," "fine," "honey," "hunk," "doll," or a similar term;
- sexual teasing, jokes, remarks, or questions;
- whistling at someone;

- sexual letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature;
 - sexual comments, innuendos, or stories;
 - turning work discussions to sexual topics;
 - asking about sexual fantasies, preferences, or history;
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Examples of Sexual Harassment (Continued)

- sexual comments about a person's clothing, anatomy, or looks;
 - kissing sounds, howling, and smacking lips;
 - talking about, telling lies, or spreading rumors about a person's personal sex life;
 - neck and/or shoulder massage; touching a person's clothing, hair, or body;
 - hanging around a person uninvited; hugging or kissing; patting, stroking, or pinching;
 - touching or rubbing oneself sexually in the presence of another person;
 - standing close to or brushing up against a person;
 - looking a person up and down;
 - sexually suggestive posters, cartoons, websites, or magazines displayed in the workplace or shown to someone;
 - playing sexually suggestive or graphic videos or music; and making sexual gestures with hands or through body movements.
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Understanding Sexual Harassment

The behavior is unwelcome.

Sexual harassment is conduct that is unwelcome, including conduct the victim regards as undesirable or offensive.

No gender is excluded.

Individuals can be victims or perpetrators of sexual harassment, regardless of gender identity or sexual orientation.

Third parties can be involved.

The victim of sexual harassment does not have to be the person the behavior is directed towards. Anyone affected by the offensive conduct can be a victim, like someone who overhears or witnesses the offensive conduct.

Working environment is not just physical.

An employee's "working environment" is not just the physical location where the employee is assigned. It may extend to other office locations and remote, off-site, or moving work locations.

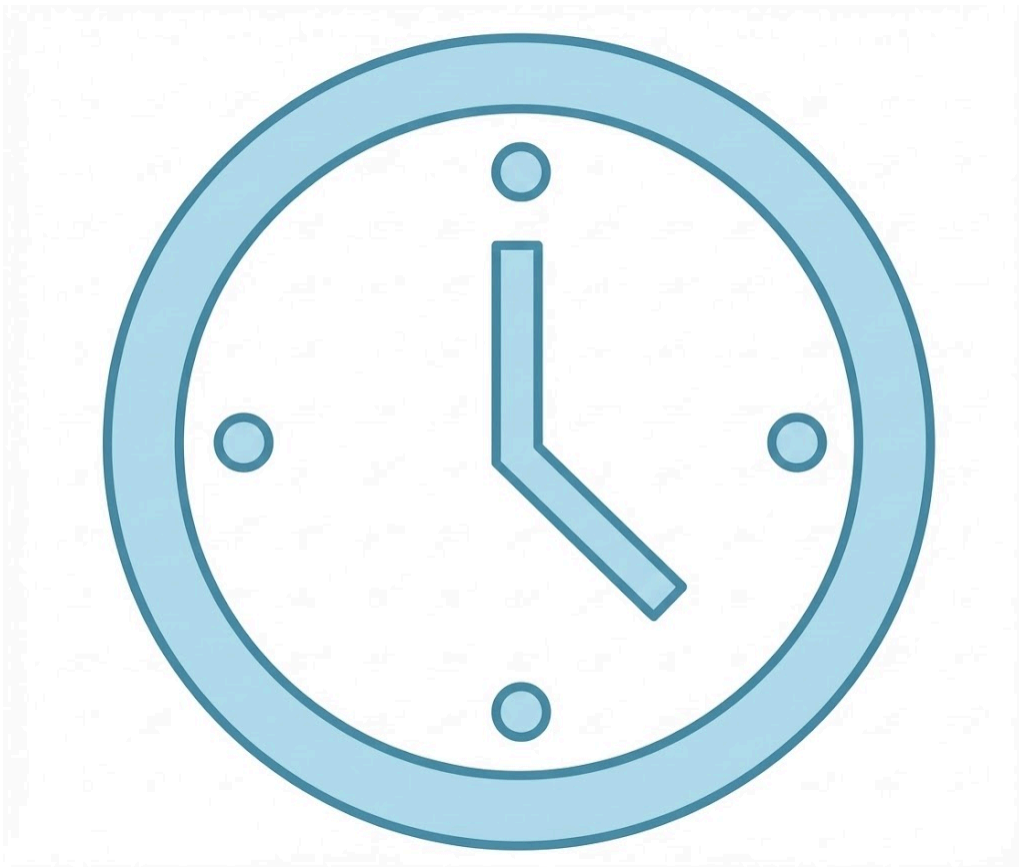
Non-State Employees

Sexual harassment is not just limited to co-workers and supervisors. People who are not State employees, such as patrons, vendors, and delivery people, may come into the workplace or interact with employees. These individuals can violate sexual harassment laws, rules, and policies, and they can also be victims of sexual harassment.

The Human Rights Act defines "nonemployee" as "a person who is not otherwise an employee of the employer and is directly performing services for the employer pursuant to a contract with that employer." This includes contractors and consultants. [775 ILCS 5/2-102\(A-10\) and \(D-5\)](#).

If a nonemployee, nonmanagerial employee, or nonsupervisory employee sexually harasses or harasses an employee or nonemployee, the employer will be responsible only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. [775 ILCS 5/2-102\(A\), \(A-10\), \(D\), and \(D-5\)](#).

Sexual Harassment Doesn't Have to be in Person



Sexual harassment can involve activities online or through electronic media, even when off site or "off the clock."

Sexual Harassment Doesn't Have to be in Person (Continued)

Examples of behaviors that can constitute unwelcome sexual conduct through email, cell phone or text, Internet or Intranet posting, online comments, blog posts, social media (such as Facebook, Twitter/X, LinkedIn, Instagram, YouTube, TikTok and Snapchat), or other electronic media include:

- requests/demands for sex;
 - sexually graphic or inappropriate pictures;
 - sexually graphic or inappropriate videos;
 - sexually offensive language or comments;
 - unwanted flirting;
 - unwanted requests for dates;
 - and cyber stalking.
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Example 5: Question

Travis is a dedicated employee at a State agency with a history of high performance. He is being considered for promotion to a senior-level role. During a meeting to discuss the promotion, his supervisor Lana says: "You've got to have chemistry with our team to be successful in this role. How about we test that out on Friday at dinner... just you and me." Travis refuses. Two weeks later, he is denied the promotion and Lana moves all of Travis's high-priority projects to other employees.

Was Travis sexually harassed?

- No, this is not an example of sexual harassment.
 - Incorrect, please try again. Sexual harassment involves any unwelcome sexual conduct, including when "submission to or rejection of such conduct...is used as the basis for employment decisions." Here, after Travis turned down Lana's advance, he was denied a promotion and had his projects reassigned.
- Yes, this is an example of quid pro quo sexual harassment.
 - Correct, this is an example of quid pro quo sexual harassment. Quid pro quo sexual harassment occurs when a manager or supervisor uses as a basis for employment decisions affecting a subordinate, whether that subordinate submitted or rejected unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature. In this case, when Travis did not submit to Lana's advances, he was retaliated against by being denied the promotion and having his projects taken from him.
- Yes, this is an example of hostile work environment sexual harassment.
 - Incorrect, please try again. A hostile work environment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. In addition, the behavior must be pervasive or severe. Here, the facts do not indicate that Lana repeatedly asked Travis out, or that Travis was extremely uncomfortable in the workplace. Thus, "hostile work environment" sexual harassment is not the best answer.

Example 6: Question

Anna is a new junior employee at a State agency. Anna works on a team with one other woman and four men. Whenever she walks by her supervisor Tom's office, she overhears him talking loudly and laughing with the senior male members of the team about the other female team member, including making several obscene comments and using derogatory terms to describe women. She continues to overhear similar conversations for months. As a result, Anna is extremely uncomfortable working with her team and has stopped participating in

meetings. Anna has trouble sleeping at night and avoids interacting with Tom in hopes that she will not be talked about in a degrading way.

Is Anna being sexually harassed?

- Yes, this is an example of quid pro quo sexual harassment.
 - Incorrect, please try again. Quid pro quo sexual harassment occurs when a manager or supervisor uses as a basis for employment decisions affecting a subordinate, whether that subordinate submitted or rejected unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature. Here, Tom has not made any employment decisions regarding Anna.
- Yes, this is an example of hostile work environment sexual harassment.
 - Correct, this is an example of hostile work environment sexual harassment. Hostile work environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. In this case, Anna's supervisor making frequent obscene comments about another staff member so loudly that Anna can hear the comments is objectively offensive. Further, it is subjectively offensive as Tom's conduct is unwelcome and has interfered with Anna's work performance. A victim of sexual harassment may be someone that was not the direct target of the sexual harassment, if the conduct impacted the employee directly and created a hostile work environment. Even though Anna was not the intended recipient of the comments, there is evidence that the comments created an offensive working environment.
- No, this is not an example of sexual harassment.
 - Incorrect, please try again. Sexual harassment is not limited to direct propositions, physical contact, or comments aimed at a specific individual. It also includes conduct that creates an intimidating, hostile, or offensive work environment based on sex. Here, Anna is repeatedly exposed to obscene, derogatory, and gender-based comments about women made by her supervisor and senior male colleagues.

Example 7: Question

Mike is an employee of a consulting firm that has a State contract to perform services for a State agency where Mei works. When visiting the agency to perform work under the contract, Mike asks Mei if she is single and comments on her appearance. Mei tells Mike she is not interested. Despite this, Mike later found Mei on Instagram and began sending her direct messages every night with explicit sexual references and advances. When Mike visits Mei's agency each week, he stops by her cubical and talks to her about her Instagram posts and

what she is wearing. This has gone on for several weeks and has led Mei to miss several shifts, as she is afraid to encounter Mike during her workday.

Is Mike sexually harassing Mei?

- Yes, because Mike's sexual advances are unwelcome, pervasive, and substantially interfering with Mei's work performance.
 - Correct. Mike's sexual advances are unwelcome and pervasive and substantially interfering with Mei's work performance. Remember that State contractors can engage in improper conduct, such as sexual harassment, just like State employees can.
 - No, because a contractor cannot harass a State employee.
 - Incorrect, please try again. People who are not State employees, such as patrons, vendors, and delivery people, can engage in sexual harassment and they can also be victims of sexual harassment.
 - No, because Mei has told Mike that she is not interested.
 - Incorrect, please try again. Sexual harassment does not have to occur in person. Unwelcome sexual conduct can also occur through email, cell phone or text, Internet or Intranet posting, online comments, blog posts, and social media.
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What do you do when you witness harassment?

There are many different variations of unlawful harassment and sexual harassment.

Some types of conduct are clearly harassment or sexual harassment, such as if a supervisor fires an employee when they do not engage in sexual conduct. Other types of conduct may feel like more of a "gray zone," where you or a coworker feel uncomfortable or do not welcome the behavior, but you are not sure whether it is unlawful. **Even if the conduct is not unlawful harassment or sexual harassment, that doesn't mean it belongs in the workplace.**

For example, if an employee's "joke" about your coworker's appearance clearly makes them uncomfortable. You can tell the employee to stop and provide support to your coworker.

If the conduct in question is happening around you or directed toward someone else, but it makes you and others uncomfortable, **you still have the power to speak up.**

What do you do when you witness harassment? (Continued)

If you are a witness to conduct you believe to be unlawful harassment or sexual harassment:

1. **You can tell the person to stop the unwelcome behavior.**
2. **You must report it.**

The following slides discuss the options you have for reporting.

Reporting Allegations of Unlawful Discrimination, Harassment, and/or Sexual Harassment

Any employee who **witnesses, is subjected to, or becomes aware of** unlawful discrimination, harassment, and/or sexual harassment must immediately report the incident. **State employees are required to report alleged misconduct to their agency's Ethics Officer and/or the Office of Executive Inspector General by [Executive Order 16-04](#).** The following slides will further discuss these reporting options, as well as additional options for reporting misconduct.

Sometimes, it is difficult to know whether the conduct that makes you feel uncomfortable is unlawful discrimination, harassment, or sexual harassment. **Employees are encouraged to report inappropriate conduct so that it can be addressed.**

Reporting Allegations of Unlawful Discrimination, Harassment, and/or Sexual Harassment (Continued)

There are three main avenues for reporting:

- **Within your agency: Ethics Officer, Supervisor, EEO/AA Officer, Human Resources**
 - **Illinois Department of Human Rights (IDHR)**
 - **Office of the Executive Inspector General (OEIG)**
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Reporting Allegations of Unlawful Discrimination, Harassment, and/or Sexual Harassment (Continued)

While you must report alleged misconduct to your Ethics Officer or the OEIG, the reporting options above are not mutually exclusive, and more than one may be pursued. **Please be advised that these various options trigger different procedures and offer different rights and remedies to a State employee who makes an allegation.**

[Executive Order 18-02](#) created a Chief Compliance Office to provide oversight to the agencies to ensure that allegations of sexual harassment are investigated and that appropriate disciplinary action is taken.

Reporting an Allegation to your Ethics Officer

[Executive Order 16-04](#) requires that you report misconduct to your Ethics Officer or the OEIG (or both; additional information on reporting to the OEIG will be discussed in later slides). Misconduct includes allegations of discrimination, harassment, and/or sexual harassment.

Your Ethics Officer:

- Is available to discuss any concerns about ethics violations you may have.
 - Can help interpret the Ethics Act for you as well as your agency policies that prohibit discrimination, harassment, and sexual harassment.
 - Will be knowledgeable about the reporting process for the OEIG and IDHR, and can assist you in making a report to these entities or to your supervisor or another manager.
 - Has an obligation to promptly notify the OEIG of any allegations of misconduct after receiving such information.
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Reporting an Allegation to your Supervisor

In addition to reporting to your Ethics Officer or the OEIG, you may choose to directly report an allegation of discrimination, harassment, and/or sexual harassment to a supervisor.

Supervisors:

- Are required to take appropriate action upon being notified of sexual harassment, whether or not a formal complaint is made.
- Will know the internal practices of your agency and will be in a position to effect change and help you navigate your agency's internal complaint process.
- May seek assistance from or report the allegation to the agency Ethics Officer, EEO Officer, or Human Resources.
- Should only share information as required by law or in order to effect necessary management action to address your allegation.

You can report an allegation to any supervisor, not just your own supervisor.

Reporting an Allegation to a Supervisor (Continued)

You may choose to report to a supervisor because your agency's management can take interim steps to address the situation quickly.

For instance, a hostile work environment generally involves a series of events rather than a single event. If you are aware of conduct that, if it continues, may interfere with your or others' work performance or may create an intimidating, hostile, or offensive working environment, a supervisor can be an important resource in addressing it.

You also may choose to discuss your allegation with a supervisor for help determining how to pursue the other reporting options available.

If an allegation of discrimination, harassment, and/or sexual harassment involves your supervisor, or if you are uncomfortable with your supervisor or are concerned that the allegation may not be handled appropriately, you may choose a different reporting option.

Reporting an Allegation to your EEO/AA Officer

Your agency's Equal Opportunity or Affirmative Action Officer is another option within your agency for reporting an allegation of discrimination, harassment, and/or sexual harassment. Remember, this reporting would be in addition to reporting to your Ethics Officer or the OEIG.

Your EEO/AA Officer:

- Will know the internal practices of your agency and will be in a position to help you navigate your agency's internal complaint process.
- Will be knowledgeable about the reporting process for the OEIG and IDHR, and can assist you in making a report to these entities or to your supervisor or another manager.
- Is required to immediately report all allegations of sexual harassment received, either directly or indirectly, to the agency's Ethics Officer.

Some agency's internal policies ask employees to report allegations directly to the EEO Officer. More information on internal policies, if this is applicable to you, can be found in your employee handbook.

Reporting an Allegation to the Department of Human Rights

IDHR is a State agency that administers the Human Rights Act.

One of IDHR's important roles is to investigate "charges" - or formal complaints - of discrimination in employment, including allegations of harassment and sexual harassment.

Individuals can report an allegation to IDHR by filing a charge **within two years of the alleged violation**.

The IDHR process:

- is public - an employee who chooses to pursue this option may not do so anonymously;
- is not confidential;
- requires involvement by the person who filed the complaint; and
- depending on the allegation, some individuals may choose to pursue their complaints with help from an attorney.

Contacting IDHR

The IDHR website is dhr.illinois.gov. It provides additional information about discrimination and harassment, filing a charge, the process for investigating and resolving an allegation, and other frequently asked questions. Hours for these offices, including hours when the offices conduct intake interviews for new reports, and frequently asked questions can be found on IDHR's website.

Chicago

555 W. Monroe,
Ste. 700

Chicago, IL
60661

312-814-6200

866-740-3953
(TTY)

Springfield

524 S. 2nd St.,
Ste 300

Springfield, IL
60661

217-785-5100

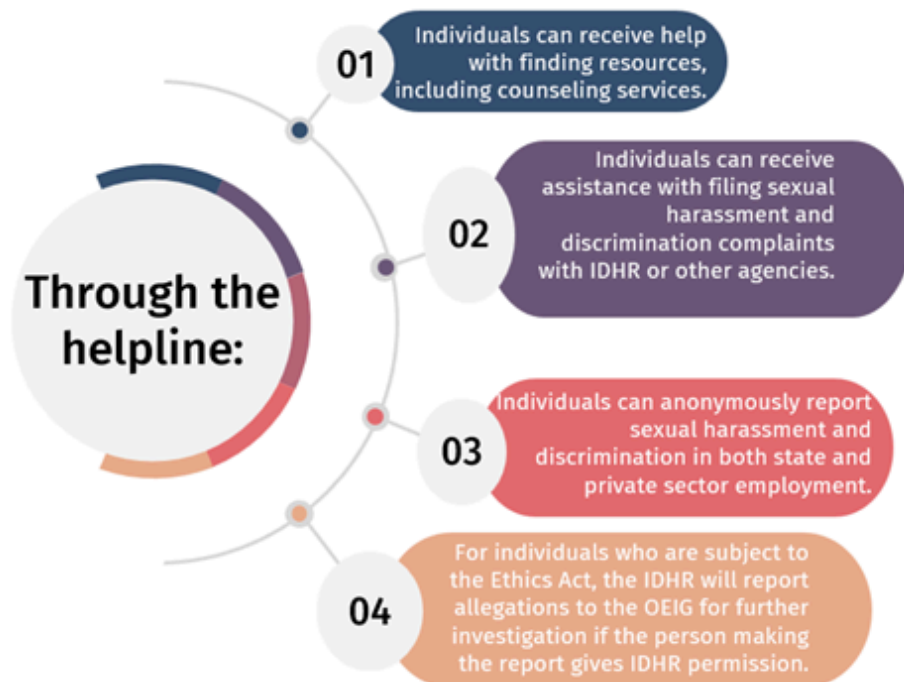
866-740-3953
(TTY)

The IDHR Helpline

The helpline number is 1-877-236-7703. The website for reporting is:

<https://www2.illinois.gov/sites/sexualharassment/Pages/default.aspx>

All communication submitted through the helpline, including by internet, will be confidential and exempt from disclosure under the Freedom of Information Act.



Click the image for the complete IDHR Helpline Overview

Reporting an Allegation to the Office of Executive Inspector General

You may choose to directly report misconduct to the OEIG.

The OEIG is an independent executive branch State agency that works to ensure accountability in State government. The OEIG's jurisdiction includes executive branch agencies, officers, and employees (other than those under the Attorney General, Secretary of State, Comptroller, or Treasurer), the four regional transit boards, the regional development authorities, the State public universities, and approximately 300 boards and commissions, plus vendors doing business with those agencies and entities.

The OEIG does not represent any party or agency in an investigation, nor does it investigate on behalf of any individual or agency.

Reporting an Allegation to the Office of Executive Inspector General (Continued)

The primary role of the OEIG is to investigate allegations of misconduct and to make reports of its findings to the affected agencies and officials.

The OEIG investigates, when appropriate, alleged violations of law, rule, or regulation committed by any employee of, or those doing business with, an entity under its jurisdiction. For example, the OEIG investigates:

- allegations of waste, fraud, abuse of authority, and misconduct;
 - violations of the Ethics Act, including the prohibition on sexual harassment;
 - allegations of unlawful discrimination and harassment; and
 - violations of other laws, rules, and policies.
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Filing a Complaint with the OEIG

1. Complete a form online at [the OEIG website](#).
 2. Call the OEIG's toll-free hotline at 866-814-1113.
 3. Mail a completed form to: Office of the Executive Inspector General for Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, Illinois 60602.
 4. Contact the OEIG by telecommunications device for the disabled (TTY) at 888-261-2734.
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Filing a Complaint with the OEIG (Continued)

The OEIG may accept complaints that are filed anonymously.

If filing a complaint with the OEIG:

- You must provide sufficient detail about the allegation to initiate an investigation.
- The complaint must be filed within a year of the events at issue, ". . . except where there is reasonable cause to believe that fraudulent concealment has occurred." [5 ILCS 430/20-20](#).
- You should have a reasonable belief that the allegation is true.
- The complaint must relate to conduct of an employee or officer of an entity under the OEIG's jurisdiction, or conduct of a person or entity that does business with an entity under the OEIG's jurisdiction.

Pursuant to the Ethics Act, "[t]he identity of any individual providing information or reporting any possible or alleged misconduct to an Executive Inspector General or the Executive Ethics Commission shall be kept confidential and may not be disclosed without the consent of that

individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law." [5 ILCS 430/20-90](#).

The OEIG Process (Continued)

The Executive Ethics Commission (EEC) is required to publish OEIG founded summary reports and responses if the investigation resulted in a suspension of at least three days or termination, and may choose to publish other OEIG founded summary reports. The EEC is an independent nine-member commission charged with promoting ethics in public service and ensuring that the State's business is conducted with efficiency, transparency, fairness, and integrity.

- If the OEIG has reasonable cause to believe that a violation of the Ethics Act has occurred, the OEIG also may ask the Illinois Attorney General to file a complaint with the EEC.
 - If a complaint is filed with the EEC and it decides that a violation of the Ethics Act occurred, the EEC may impose an administrative fine or take other action to stop the unlawful activity.
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The OEIG Process (Continued)

1. After filing, you will typically receive a letter with a complaint ID number.
 2. The complaint will be reviewed by the OEIG.
 3. The OEIG may investigate, refer the matter to another agency, or decline to investigate.
 4. If the OEIG investigates and determines a reasonable cause exists to believe that a violation has occurred, they issue a founded summary report.
 5. The founded summary report is sent to the ultimate jurisdictional authority and each agency affected to respond with any disciplinary action taken.
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Cooperation with OEIG Investigations

All employees are expected to cooperate with OEIG investigations.

Under the Ethics Act, it is the duty of every State employee and officer under the jurisdiction of the OEIG to cooperate with the OEIG in any investigation, including investigations regarding discrimination, harassment, and sexual harassment.

Failure to cooperate includes, but is not limited to, intentional omissions and knowingly making false statements.

Example 8: Question

Lucas is openly gay and believes that Brendan, a non-supervisory employee who uses derogatory slurs towards him, is harassing him because of his sexual orientation. Lucas meets with his Ethics Officer to report the harassment and discuss options for reporting the conduct.

Lucas would like to keep his complaint confidential. Lucas also wants an investigation to be conducted and hopes that Brendan will be disciplined if the investigation finds that harassment did occur. Lucas is also concerned that Brendan may harass other employees and wants to quickly ensure that no other employee faces the same conduct he has experienced, whether or not it rises to the level of harassment.

Where else, besides the Ethics Officer, could Lucas report his allegation to meet these goals?

- Lucas's supervisor
 - Not the best choice, please try again. Lucas's supervisor can immediately work with the agency to take action, but may not be in a position to conduct investigations into the allegation.
- Office of the Executive Inspector General (OEIG)
 - Not the best choice, please try again. The OEIG can investigate the allegation but may not be able to provide an immediate resolution.
- Illinois Department of Human Rights (IDHR)
 - Not the best choice, please try again. The IDHR does not allow an employee to stay anonymous and the process is not confidential. Thus, this option does not meet Lucas's goal to keep the allegation confidential.
- Both Lucas's supervisor and the OEIG
 - Correct. Lucas could report his allegations to both his supervisor and the OEIG. Lucas's supervisor can immediately work with agency management to ensure a harassment-free workplace. Lucas could also report this to a different supervisor if he is uncomfortable reporting the allegation to his own. The OEIG operates outside Lucas's agency and conducts investigations in a confidential manner, to the extent possible under the law. Ethics Officers have an obligation to promptly notify the OEIG of any allegations of misconduct after receiving such information. Even if Lucas does not choose to report the

allegation to the OEIG directly, the Ethics Officer is obligated to do so. If the OEIG determines that the allegations are founded, it will issue a founded report that recommends discipline or other agency action. The OEIG's investigative process will take additional time and may not immediately address workplace conditions. If Lucas's priority is to try and prevent further incidents while the OEIG investigation is pending, he should also report the conduct to a supervisor. While complaints filed with IDHR are not confidential, information provided through the State of Illinois Sexual Harassment and Discrimination Helpline is confidential. Lucas has already fulfilled his obligation under Executive Order 16-04 by reporting the allegation to his Ethics Officer. Reporting to the OEIG would also fulfill this obligation.

Information About Retaliation

Retaliation against individuals who report discrimination, harassment, and/or sexual harassment, or who participate in investigations and other proceedings regarding those matters, is strictly prohibited by the Ethics Act ([5 ILCS 430/5-10](#)), the Human Rights Act ([775 ILCS 5/6-101](#)), and the Illinois Whistleblower Act ([740 ILCS 174/15-20.2](#)).

Retaliatory action includes reprimand, discharge, suspension, demotion, denial of promotion or transfer, or any other change in the terms or conditions of employment of any State employee that occurs in retaliation for an employee's involvement in protected activities.

In addition, if you or another employee experiences retaliation after reporting discrimination, harassment, or sexual harassment, the retaliatory conduct can be reported to a supervisor, Ethics Officer, IDHR, and the OEIG in the same manner that discrimination, harassment, and sexual harassment are reported.

Protected Activities Under the Ethics Act

Under the Ethics Act, an officer, member, State employee, and/or State agency cannot take retaliatory action against a State employee who:

- Discloses or threatens to disclose to a supervisor or public body any activity that the State employee reasonably believes to be unlawful;
 - Provides information or testifies before any public body in connection with an investigation, hearing or other inquiry; or
 - Assists or participates in the proceeding to enforce the Ethics Act. [5 ILCS 430/15-10](#).
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Retaliation Under the Human Rights Act

Under the Human Rights Act, it is a civil rights violation to retaliate against a person who opposes that which they reasonably and in good faith believe to be prohibited by the Human Rights Act, including unlawful discrimination, harassment, or sexual harassment. [775 ILCS 5/6-101\(A\)](#).

For example, it is unlawful for someone to retaliate against a person who filed a complaint, participated in an investigation, or testified regarding a matter under the Human Rights Act.

It is also unlawful to retaliate against a person for requesting, attempting to request, or using a reasonable accommodation allowed by the Human Rights Act.

Retaliation Under the Whistleblower Act

Under the Whistleblower Act, an employer may not take retaliatory action against an employee "for disclosing or threatening to disclose information to a government or law enforcement agency information related to an activity, policy, or practice of the employer, where the employee has a good faith belief that the activity, policy, or practice of the employer (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety." [740 ILCS 174/15\(b\)](#).

Further, an employer shall not take retaliatory action against an employee for refusing to participate in an activity that the employee has a good faith belief would result in a violation of a State or federal law, rule, or regulation.

If an employer retaliates against an employee in violation of the Whistleblower Act, and the employee succeeds in a civil suit, the employee may receive relief necessary to make the employee whole, including reinstatement into their position, permanent or preliminary injunctive relief, back pay with interest, liquidated damages of up to \$10,000, and compensation for costs incurred. It is a Class A misdemeanor to violate the Whistleblower Act.

Example 9: Question

Luis is hired as a program coordinator at a State agency. During a team lunch, his manager makes a sexually suggestive joke about Luis's appearance in front of colleagues. Luis feels uncomfortable and later tells his manager privately that the comment was inappropriate. The manager apologizes and doesn't make further remarks.

Luis continues to perform well and receives praise from coworkers and his manager. However, a few weeks later, Luis files a formal complaint with the agency's EEO office, citing the earlier incident. After learning about the complaint, the manager demotes Luis. Now instead of

leading a high-visibility project, his primary duties are administrative tasks that don't align with his role or skill set.

Is Luis's manager's conduct retaliatory?

- Yes
 - Correct. The manager's conduct was retaliatory. Retaliation occurs when there is a reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of an employee that occurs in retaliation for an employee's involvement in certain protected activities. An example of a protected activity is disclosing or reporting conduct that a State employee reasonably believes to be in violation of a law, rule, or regulation. Here, Luis reasonably believed that his manager's comment constituted sexual harassment and reported the conduct. After hearing about the complaint, his manager demoted him. The demotion appears to be solely related to Luis's complaint, as he was doing well at work and receiving positive feedback. Nothing shows the supervisor would have taken the same action had he not filed the complaint. Note that in order to be retaliatory conduct, it is not required that the activity the employee disclosed is ultimately found to in fact be a violation of law or policy.
- No
 - Incorrect. Try again. Retaliation occurs when there is a reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of an employee that occurs in retaliation for an employee's involvement in certain protected activities. Here, Luis filed a formal complaint about his manager's conduct and subsequently was demoted.

Consequences Under the Ethics Act

It is a violation of the Ethics Act to engage in sexual harassment as defined by the Act. As an Ethics Act violation, there are specific penalties for the violation.

Any person who violates the Ethics Act's prohibition on sexual harassment:

- may be fined **up to \$5,000** per offense;
- is subject to **discipline or discharge**; and
- may also have **finest or penalties** imposed by a State or federal agency or court. [5 ILCS 430/50- 5\(G\).](#)

Although "harassment" and "unlawful discrimination" are not specific violations of the Ethics Act, there are serious consequences for engaging in unlawful discrimination and harassment. For example, the OEIG does investigate allegations of unlawful discrimination and harassment.

The results of these investigations can lead to discipline or discharge for violating the law or your agency's policies.

Also note that failure to cooperate with an OEIG investigation conducted pursuant to the Ethics Act, including intentional omissions and knowing false statements, is grounds for **disciplinary action, including dismissal**. [5 ILCS 430/20-70](#).

Consequences for False Reports

False reports are prohibited.

The EEC may levy a **fine of up to \$5,000** against any person who intentionally makes a false, frivolous, or bad faith allegation, or who intentionally obstructs or interferes in an OEIG investigation. [5 ILCS 430/50-5\(e\)](#).

Any person who intentionally makes a false report alleging **sexual harassment** to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a **misdemeanor**. [5 ILCS 430/50-5\(D\)](#).

Additional Consequences

There are serious consequences for engaging in unlawful discrimination, harassment, and sexual harassment, which may include being disciplined or having your employment terminated for violating the law or your agency's policies.

Engaging in unlawful discrimination, harassment, sexual harassment, and/or retaliation can also subject you to proceedings before the Human Rights Commission or state or federal courts.

Individuals can file a state or federal charge against the person or entity that engaged in misconduct, and if they prevail may be entitled to one or more of the following remedies:

- Actual damages for injury or loss
 - Attorneys' fees and costs
 - Civil penalty ([Public Act 104-0425](#), effective January 1, 2026)
 - Prejudgment interest
 - Backpay
 - Obtaining a cease and desist order
 - Fringe benefits
 - Hiring or reinstatement
 - Promotion
-

Reminder About the Use of State Resources

Personal business should not be conducted using State resources. Employees have no expectation of privacy when using State resources, such as State-administered e-mail accounts, State phones, State computers, or State networks. State employees are provided with State-administered email accounts where only matters related to official State business should be discussed. Matters of a personal nature, or other matters not related to official State business, should generally not be discussed using an official State e-mail account.

State resources, such as State-provided cell phones and computers, should not be used to access non-State e-mail accounts and social media accounts. State resources should not be used to access, view, or download images, video, or other content of a sexual nature.

State resources include, but are not limited to, State-administered e-mail accounts, State-owned computers, State wireless networks, and State-provided phones and cell phones.

Completion & Certification

Acknowledgement of completion of 2026 Harassment and Discrimination Prevention Training.

Please sign and return the Certificate of Completion to Warren Ribley, Executive Director.
